

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DARRYL W. RISER,
Plaintiff,

v.

UNITED STATES DEPARTMENT OF STATE,
Defendant.

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CIVIL ACTION H-09-3273

DEFENDANTS' NOTICE OF ITS RESPONSE TO
MEMORANDUM AND ORDER [DOCUMENT 55]

Defendants, the United States Department of State and the United States Officer of Personnel Management (“OPM”), by and through the undersigned, hereby notify the Court of their response to the Court’s Memorandum and Order [Document 55], and state the following:

1. By this Notice, Defendants have sent the attached INV 50 document in accordance with the Court’s Order in its Memorandum and Order filed on October 22, 2010, to the Plaintiff [Document 55], see Exhibit A, attached; and
2. Defendants have also sent the attached Declaration of Charlene Heermans, a Human Resources Specialist for Information Systems with OPM. This declaration is submitted as Plaintiff alleged that OPM possessed his 1988-89 OPM employment file at an OPM office in Dayton, Ohio. [Document 55, pg. 13]. A search for the records has revealed no results. Mr. Heermans’ declaration demonstrates that the alleged 1988-1989 OPM employment file, if it existed, has been destroyed. Said OPM Office was closed on December 2000. At the time of its closure, all records beyond their retention schedule, as noted in the declaration, were destroyed. Exhibit B, attached.

JOSE ANGEL MORENO
United States Attorney

/S/

Nancy Leonard
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ATTORNEY IN CHARGE FOR
DEFENDANTS

Certificate of Service

I hereby certify that a true and correct copy of the foregoing notice was sent by U.S. mail, return receipt requested #7004 2510 0001 5792 2331 to Darryl W. Riser at 3462 Nathaniel Brown St., Houston, TX 77021 on this the 19th day of November, 2010.

/S/

Nancy Leonard
Assistant United States Attorney